

**To:** Croxton, Dave[Croxton.David@epa.gov]  
**From:** Waye, Don  
**Sent:** Tue 4/2/2013 9:14:50 PM  
**Subject:** FW: CSO Workgroup - Federal Response to OSDS Questions  
[Federal Responses to Discussion Qs on OSDS, Inspection Highlights.docx](#)

I meant to copy you, too, Dave.

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**From:** Waye, Don  
**Sent:** Tuesday, April 02, 2013 4:42 PM  
**To:** Psyk, Christine  
**Cc:** Hall, Lynda; Powers, David  
**Subject:** FW: CSO Workgroup - Federal Response to OSDS Questions

Christine,

Thanks for the call today. We will ensure that our management is in the loop on Oregon's progress or lack thereof on settlement agreement deadlines and options for moving forward in support of Region 10 and NOAA's conversation with OR's Governor's Office on 5/1.

I have attached EPA/NOAA's collective thoughts on our expectations on states for meeting the OSDS management measure. I have taken the liberty of highlighting the portions of the attached 4-page response to CSO on some questions they had for NOAA and EPA that focus on the inspections element of this management measure--which is the piece that OR's program is conditioned for.

One question that I wanted to ask on the call today, which we ran out of time for:

Does Region 10 intend to include regional counsel on the 5/1 call with the Governor's Office? The correct regional counsel contact for OR CZARA is Kelly Gable, presently on loan/detail from Region 3.

Don Waye

NPS Control Branch

EPA Headquarters, OW/OWOW/AWPD

phone: 202-566-1170

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**From:** Waye, Don

**Sent:** Friday, February 08, 2013 6:16 PM

**To:** Kristen Fletcher

**Cc:** allison.castellan@noaa.gov; Keeler, Barbara; Yin, Christina; Slay, Hudson; Joelle Gore - NOAA Federal; John King (John.King@noaa.gov); John Kuriawa (John.Kuriawa@noaa.gov); Josh Lott (Josh.Lott@noaa.gov); kate.barba@noaa.gov; Mary Munson; Randy Shaneyfelt (rcs@adem.state.al.us); Goo, Robert

**Subject:** CSO Workgroup - Federal Response to OSDS Questions

Kristen,

As promised, here's a joint federal response from NOAA and EPA to your questions. We hope this helps clarify and advance things for those states that are still working on this condition.

Don Waye

U.S. Environmental Protection Agency

Nonpoint Source Control Branch (OWOW/AWPD)

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From: Kristen Fletcher <kfletcher@coastalstates.org>

To: Kristen Fletcher <kfletcher@coastalstates.org>, "Allison Castellan (Allison.Castellan@noaa.gov)" <Allison.Castellan@noaa.gov>, Barbara Keeler/R6/USEPA/US@EPA, Don Waye/DC/USEPA/US@EPA, "John King (John.King@noaa.gov)" <John.King@noaa.gov>, "John Kuriawa (John.Kuriawa@noaa.gov)" <John.Kuriawa@noaa.gov>, "Josh Lott (Josh.Lott@noaa.gov)" <Josh.Lott@noaa.gov>, "Kate Barba (Kate.Barba@noaa.gov)" <Kate.Barba@noaa.gov>, Robert Goo/DC/USEPA/US@EPA, Christina Yin/R9/USEPA/US@EPA, Hudson Slay/R9/USEPA/US@EPA, Joelle Gore - NOAA Federal <joelle.gore@noaa.gov>

Cc: "Randy Shaneyfelt (rcs@adem.state.al.us)" <rcs@adem.state.al.us>, Mary Munson <mmunson@coastalstates.org>

Date: 02/04/2013 01:11 PM

Subject: Reminder: 6217 Call - Wednesday

Dear Colleagues,

Just a reminder that the February 6217 Work Group call has been scheduled for:

**February 6217 Work Group Call – State/Federal Partner Call**  
**Wednesday, February 6**  
**2 – 3 PM ET**

Nonresponsive

**Agenda**

1. EPA/NOAA Federal Updates
2. Discussion of OSDS Measures (Questions Below)

If you have any information you'd like sent to the work group prior to the call, feel free to send it along.

Thank you in advance for your support!

Kristen

**Questions for Discussion on OSDS**

1. What are the basic program components that NOAA/EPA require for a Coastal Programs-based "OSDS Program", including operation, maintenance and inspection"?
  - a. Note: Many State's CZMPs do not have direct regulatory authority over the management of this land use, *until it becomes a NPS issue*.
  - b. Note: many states are also working in a climate that is not conducive to further regulation.
  - c. Note: a discussion of this as part of the 3-part test to use voluntary approaches (2001 Memo from NOAA and EPA, "Enforceable Policies and Mechanisms for State Coastal Nonpoint Source Programs") would be useful.
2. What are the basic elements required for this "OSDS inspection" and what are some different ways that a State can meet them through their CZMP?
  - a. Three or four examples would be helpful (such as a comparison of examples from 'Home rule' states vs. 'non-home-rule' states).
  - b. Subquestion: How much leeway is there to incorporate traditional methods of inspection that may be based on visual walk-around methods for signs of obvious dysfunction?
3. Discussion of program elements/state examples.
  - a. If the federal partners can share examples of successful program elements from other states, that would be most useful.
  - b. For Georgia, a pressing question is: how can the program provide reasonable and acceptable documentation of the inspections of systems that the state considers to be occurring in its high priority areas and how would tracking of it ideally mesh with the new 319 nonpoint source program 5 year plans?
  - c. For Texas, a pressing question is: how have approved states tracked and documented success in implementing their strategies?

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Kristen M Fletcher

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